

REMARKS

In the Office Action mailed 10/02/06, claims 1-11 and 16-20 were rejected under 35 USC 103(a) as being anticipated by Ewing et al. (US Patent 7,043,543) in combination with Nguyen (US Patent 5,506,790). The Office action also stated that, and through principles of inherency, the reasoning behind the rejection of claims 1-11 and 16-20 also applies to claims 12-15.

Applicant respectfully traverses the rejection of claims 1-11, 12-15 and 16-20. Specifically, Applicant submits that the 35 USC 103(a) rejection cannot be sustained, because the Examiner has failed to show that all of the claimed elements of independent claims 1, 12, and 16, are present in the combination of Ewing and Nguyen. Specifically, Applicant submits that what Examiner has cited as equivalent to the claimed limitation of a network switch coupled to a power transformer and including a network port array in operative communication between the interior and said exterior is nothing more than a plurality of control jacks mounted on a circuit board. Directing Examiner's attention to Ewing at col. 3, line 6, Ewing first mentions control jacks 106:

The electrical power distribution plugstrip 100 includes a long, thin housing 102 with one face having a user display 104 and a set of RJ-11 control jacks 106.

It cannot be argued from this above portion of Ewing that "a set of RJ-11 control jacks 106" constitutes a network switch. There also is no indication that this set of control jacks is coupled to a power transformer.

The second and final mention of the set of RJ-11 control jacks 106 appears in Ewing at col. 3, line 38:

The user display 104 and RJ-11 control jacks 106 are mounted on a power distribution and user display printed circuit board (PCB) 144.

Again, there is no disclosure, teaching, or other suggestion that the RJ-11 control jacks 106 operate as a network switch. If the Examiner feels there is, Applicant respectfully requests the Examiner to specifically point out what portion of Ewing teaches that control jacks are a network switch.

Docket No.: CISCO-8335

While Ewing in col. 3, line 40 describes a power transformer, there is no link between the power transformer and the RJ-11 control jacks:

A power transformer 146 is used to step-down electrical power to the logic power supply levels needed by the IPM's 128-134, and PCB 144.


Thus, while the power transformer 146 controls electrical power needed by PCB 144, the RJ-11 control jacks are connected to PCB 144 and not the power transformer 146.

Without additional disclosure from Ewing that clearly specifies the set of RJ-11 control jacks to be a network switch, Applicant submits that the Examiner has failed to meet the prima facie burden of showing all elements of Applicant's claims in a combination of references as the third requirement of an obviousness rejection under 35 USC 103(a) as explicitly stated in MPEP 2143, that the prior art references must teach or suggest all the claim limitations.

Even if Ewing could be modified to perform in the manner stated by the Examiner, The Examiner has provided no motivation to do so as required by case law and the MPEP, other than to recognize the benefit of Applicant's invention as stated in the Summary of the Invention portion of the present application. See MPEP §2143. If the Examiner is claiming that such motivation would be commonly know in the art, Applicants challenge this assertion and demand evidence proving this as is required under §2144.03 of the MPEP. Otherwise, the rejection cannot be maintained.

As independent claims 12 and 16 contain similar limitations as claim 1, Applicant incorporates the arguments made above to the rejection of claims 12 and 16 as well.

Respectfully submitted,
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Docket No.: CISCO-8335

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